



***United States***  
***v.***  
***Charles Bradford Smith***  
***(a.k.a. Brad Smith)***

**21-CR-567-2 (RCL)**

**Gov't. Sentencing  
Exhibit 1**

**Sept. 23, 2022**



***United States v. Brad Smith***  
**21-CR-567-2 (RCL)**

**Nature and  
Circumstances of  
the Offense**

**18 U.S.C. § 3553(a)(1)**



# Facebook Messages between NEEFE and SMITH

Nov. 4, 2020

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-11-04 18:12:02 UTC  
**Body** We all deep down knew this was how the election was going to go.  
Now if Trump wins the riots will be 50 times worse

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2020-11-04 18:12:19 UTC  
**Body** Hope it burns either way

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-11-04 18:14:02 UTC  
**Body** Me to. This country needs to split up immediately

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2020-11-04 18:14:24 UTC  
**Body** Why shouldnt we be the ones to kick it off?

Ex. 1A

# Facebook Messages between NEEFE and SMITH

## Dec. 22, 2020

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2020-12-22 15:39:24 UTC  
**Body** Idek whats gunna happen with this election shit rn

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-22 16:01:50 UTC  
**Body** The call to action was put out to be in DC on January 6th from the Don himself. The reason is that's the day pence counts them up and if the entire city is full of trump supporters it will stop the for sure riots from burning down the city at least for awhile.

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2020-12-22 18:39:53 UTC  
**Body** We goin?

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2020-12-22 18:40:19 UTC  
**Body** Cause hot damn son i really wanna crack some commie skulls

Ex. 1B



# Facebook Messages between SMITH, NEEFE, and others - Dec. 31, 2020

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-31 13:48:02 UTC  
**Body** I cant wait for DC! Apparently it's going to be WAY bigger lol. If it's big enough we should all just storm the buildings

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-31 13:56:30 UTC  
**Body** Seriously. I was talking to my Dad about how easy that would be with enough people

Ex. 1C

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-31 14:02:57 UTC  
**Body** Take off the 6th man! It's the Big one!!! Trump is literally calling people to DC in a show of force. Militias will be there and if there's enough people they may fucking storm the buildings and take out the trash right there.

**Author** [REDACTED]  
**Sent** 2020-12-31 20:32:22 UTC  
**Body** Are you going down

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-31 20:44:32 UTC  
**Body** Hell yeah. Also Marshal's tonight?

Ex. 1D



Ex. 1E



Ex. 1F



# NEEFE and SMITH on Restricted Grounds: Jan. 6, 2021



Ex. 1G



Ex. 1H

# SMITH's Conduct on Capitol Grounds Jan. 6, 2021



Video **SMITH** shared on Facebook  
with the below caption

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-07 08:36:04 UTC  
**Body** This is what happens to you when you're up front  
**Attachments** video-1610008562.mp4 (437563617397668)

**Ex. 1I-1**

**Ex. 1I**



**Video SMITH**  
**recorded**  
**approximately**  
**10 minutes**  
**prior to sign**  
**assault**  
**[~1:30PM EST]**



**Ex. 1J**

Video **SMITH** recorded  
approximately 2 minutes  
prior to sign assault  
[~1:38PM EST]

Ex. 1K













Ex. 1N



Ex. 10





Ex. 1P



# SMITH's Conduct on Capitol Grounds Jan. 6, 2021

Video shared with multiple captions:



Ex.  
1Q-1

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-06 23:17:10 UTC  
**Body** Heres guys holding the door closed so we could storm it before reinforcements came out of the doors to GAS us

Ex.  
1Q-2

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-07 05:58:28 UTC  
**Body** Here's us holding the Cops in the building, not letting them get reinforcements to fuck us. They stuck lol

Ex.  
1Q-3

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-07 08:29:22 UTC  
**Body** Heres one of keeping reinforcements from coming out of that door.

Ex.  
1Q-4

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-07 08:52:16 UTC  
**Body** Holding the door shut so reinforcements cant get in while people move closer

Video SMITH shared on Facebook in which he recorded himself shouting, "Hold it!" as rioters kept a door shut so officers could not respond to the situation outside



Ex. 1Q



# Post-Riot Facebook Communications from SMITH Jan. 6-7, 2021

Ex. 1R

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-06 23:20:48 UTC  
**Body** Got Gassed so many times, shit is spicy but the Adrenaline high and wanting to "Get" Pelosi and those fucks, it was bearable

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-06 23:37:04 UTC  
**Body** We literally did it. We stormed the bitch! Marshall even went in a room and pissed. No bathrooms so... We where front row getting tear gassed and hit/pushed. Made the Child fucking politicians evacuate and escape out the tunnels underground. Some of those dudes would have hung em right there if they found em. I cant even explain how unbelievable that just was. If I would have know what I do now I dont think I would have the balls. But no turning back when 1,000,000 people are behind you pushing

Ex. 1S



**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 02:57:31 UTC

**Body** Stormed the place. My friend Marshal went inside and took a piss on the floor of a small room. They didn't have anywhere to piss. So fuck them

Ex. 1T

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 04:27:26 UTC

**Body** Yeah I think we should have went even harder. To bag nobody found any of the politicians in the building. Btw that was Marshal dumping water on that dudes eyes in case u didn't know. He was my ride and I wasn't sure if he was gonna make it back lol.

Ex. 1U

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 04:41:47 UTC

**Body** It went great though. They had to evacuate those faggots. The looks on their faces hahaha

Ex. 1V





**Time** 2021-01-07 03:29:21 UTC

**Type** Comments

**Summary** Brad Smith commented. 'It was beautiful and will happen again. Glad to be in the front row'

**Ex. 1X**



**Ex. 1Y**

Sent January 7<sup>th</sup>, 2021



**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 05:41:16 UTC

**Body** Oh yeah. The time will come for some of them. But today's mission was successful! Remember how they said today was the final day & that Biden would be certified? Well we literally chased them out into hiding. No certification lol

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 05:42:57 UTC

**Body** Pence cucked like we knew he would but that was an Unbelievable show of force and it did its job

Ex. 1Y





**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 16:47:47 UTC

**Body** Who knows what's going to happen. We need more violent the prices like this it's the only language they speak

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 16:47:59 UTC

**Body** Uprisings\*

**Ex. 1Z**



# Post-Riot Facebook Communications from SMITH Jan. 6-7, 2021

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 19:41:41 UTC

**Body** You mean it's nice seeing everybody unify in hating Mitch mcconnell and the republicans and Nancy Pelosi the Dems

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 19:41:49 UTC

**Body** Maybe we can all join up in skin them alive



## Texts **SMITH** send **NEEFE** January 7, 2021

1/7/2021 5:40:45 PM	My parents know what you where wearing & they didn't see shit either. If everything goes fine The next time we got to be more prepared
1/7/2021 5:41:08 PM	Goggles, gas masks and padding
1/7/2021 5:41:08 PM	After it was over I just head back goofy meme in my head. The "I'll fuckin do it again" lol

**Ex. 1AA**



# Post-Riot Facebook Communications from **NEEFE** and **SMITH**, Jan. 6, 2021

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:13:38 UTC  
**Body** Its only going to get more violent

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:13:47 UTC  
**Body** Today was pussy shit dude

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:14:19 UTC  
**Body** If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:14:45 UTC  
**Body** We made sure they knew we fucking OWN them

Ex. 1BB

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:41:42 UTC  
**Body** That whole thing was a Trip. It's hard to process how badass that was

Ex. 1CC

Facebook  
Messages  
after the  
Riot  
(Night of  
Jan. 6, 2021)



# ***United States v. Marshall Neefe***

**21-CR-567-2 (RCL)**

## **History and Characteristics of the Defendant**

**18 U.S.C. § 3553(a)(1)**



# Facebook Messages between **NEEFE** and **SMITH** regarding attending rally in D.C. on Nov. 14, 2020 (Sent Nov. 11, 2020)

**Author** Marshall Neefe [REDACTED]

**Sent** 2020-11-11 23:48:08 UTC

**Body** What all is illegal to have on your person there? Am i aloud to have a knife?

**Author** Marshall Neefe [REDACTED]

**Sent** 2020-11-11 23:48:17 UTC

**Body** I do have one tho

**Author** Brad Smith [REDACTED]

**Sent** 2020-11-11 23:48:44 UTC

**Body** I'm bringing a pocket knife.



Facebook Messages between **NEEFE** and **SMITH**  
regarding attending rally in D.C. on Nov. 14,  
2020  
(Sent Nov. 11, 2020)

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:50:06 UTC  
**Body** Bringing my big boi lol

**Author** Brad Smith [REDACTED]  
**Sent** 2020-11-11 23:50:12 UTC  
**Body** I've had pocket knives there b4

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:51:00 UTC  
**Body** If i come into confrontation and have to use it my line is "ive killed 5 chickens with this blade, lets make it 6"

**Author** Brad Smith [REDACTED]  
**Sent** 2020-11-11 23:51:56 UTC  
**Body** I hope it goes smooth lol

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:52:18 UTC  
**Body** I hope i get to smack around a few commies ngl

Ex. 1EE

Ex. 1EE-1



Facebook  
Messages  
(Dec. 1,  
2020)

**Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 18:57:35 UTC  
**Body** I'm real close to liking full blown fascism. Fascism is one of the most lied about political ideologies ever and if you look it up it'll give you like 6 completely different definitions but we all know what it is.

**Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 18:58:58 UTC  
**Body** Its culture,heritage, family history, tradition. And Nobody hates a Communist more than a fascist lol

**Author** Marshall Neefe ([REDACTED])  
**Sent** 2020-12-01 18:59:03 UTC  
**Body** Id rather be a racist, fascist hate monger than a liar ☐☐

**Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 18:59:32 UTC  
**Body** If this is what winning the war means then I'm a fascist

Ex. 1FF

Facebook  
Messages  
(Dec. 11-12,  
2020)



Photograph followed by below  
message between **NEEFE** and  
**SMITH**:

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2020-12-12 18:23:14 UTC  
**Body** I literally JUST put it in

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-12 18:23:35 UTC  
**Body** It's all good lol I literally do it everyday

Ex. 1GG

Ex. 1GG-1



Facebook  
Messages  
(Dec. 24,  
2020)



**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2020-12-24 01:58:49 UTC  
**Body** I need a shoulder strap now for a gun

Ex. 1HH

Ex. 1HH-



# ***United States v. Marshall Neefe***

**21-CR-567-1 (RCI)**

**Need to Reflect  
Seriousness of the  
Offense and Promote  
Respect for the Law**

**18 U.S.C. § 3553(a)(2)(A)**



# Post-Riot Facebook Communications from **NEEFE** and **SMITH**, Jan. 6, 2021

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:13:38 UTC  
**Body** Its only going to get more violent

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:13:47 UTC  
**Body** Today was pussy shit dude

**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:14:19 UTC  
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**Author** Marshall Neefe (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:14:45 UTC  
**Body** We made sure they knew we fucking OWN them

Ex. 1BB

**Author** Brad Smith (Facebook: [REDACTED])  
**Sent** 2021-01-07 02:41:42 UTC  
**Body** That whole thing was a Trip. It's hard to process how badass that was

Ex. 1CC

Facebook  
Messages  
after the  
Riot  
(Night of  
Jan. 6, 2021)



# ***United States v. Marshall Neefe***

**21-CR-567-1 (RCL)**

**Need to Afford  
Adequate Deterrence**

**18 U.S.C. § 3553(a)(2)(B)**





**Time** 2021-01-07 03:29:21 UTC

**Type** Comments

**Summary** Brad Smith commented. 'It was beautiful and will happen again. Glad to be in the front row'

**Ex. 1X**



**Ex. 1Y**

Sent January 7<sup>th</sup>, 2021



**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 16:47:47 UTC

**Body** Who knows what's going to happen. We need more violent the prices like this it's the only language they speak

**Author** Brad Smith (Facebook: [REDACTED])

**Sent** 2021-01-07 16:47:59 UTC

**Body** Uprisings\*

**Ex. 1Z**





***United States v. Brad Smith***  
**21-CR-567-2 (RCL)**

**Need to Avoid  
Unwarranted  
Sentence Disparities**  
**18 U.S.C. § 3553(a)(6)**



# ***United States v. Brad Smith***

## **21-CR-567-2 (RCL)**

**Ex. 1-II**

<b>Defendant</b>	<b>Offenses of Conviction</b>	<b>Term of Imprisonment</b>
<b><i>Matthew Miller,</i></b> 21-cr-00075 (RDM)	§ 1512(c)(2) § 111(a)(1)	<b>33 months</b> (as well as 24 months of probation)
<b><i>Greg Rubenacker,</i></b> 21-cr-00193 (BAH)	§ 1512(c)(2) § 111(a)(1) (plus seven other counts (no plea agreement))	<b>41 months</b>
<b><i>Scott Fairlamb,</i></b> 21-cr-00120 (RCL)	§ 1512(c)(2) § 111(a)(1)	<b>41 months</b>
<b><i>Duke Wilson,</i></b> 21-cr-00345 (RCL)	§ 1512(c)(2) § 111(a)(1)	<b>51 months</b>